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Arent Fox Kintner Plotkin & Kahn, PLLC
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Phone 202/857-6000
Fax 202/857-6395
www.arentfox.com

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February 3, 2003

VIA HAND-DELIVERY

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Craig Engle
202/775-5791
engle.craig@arentfox.com

Scott S. Ward
202/715-8414
wards@arentfox.com

Re: FEC Complaint - MUR 5299

Dear Mr. General Counsel:

This letter responds to the recent Notice of Complaint sent by the Commission on January 22, 2003, addressed specifically to Gordon Smith for U.S. Senate Committee, Inc. (96) and Stan Huckaby as treasurer (the "New Respondents") in the above referenced matter. The Commission previously sent Notice of the underlying Complaint to Gordon Smith for US Senate 2002, Inc.; Gordon Smith for US Senate; Cary Evans; and Greg Niedermeyer as treasurer on or about September 17, 2002. All noticed parties jointly responded via counsel on October 23, 2002.

According to law, "[w]ithin 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed any such violation." 2 U.S.C. § 437g(a)(1). The Commission received the Complaint in this action on or about September 9, 2002. If the Commission feels the Complaint alleged the New Respondents committed a violation, notice was required in mid-September. To the extent the Complaint alleges a violation by the New Respondents (and should the Commission excuse itself for not following the notification statute), the New Respondents join in the response filed on October 23, 2002.

Respondents' attorney respectfully notes the Commission is making its job harder than it needs to be. 2 U.S.C. § 437g(a)(1) simply requires the Commission to provide *written notice* of a complaint within five days. That does not mean the Commission must mail the actual complaint within five days. A letter of notification sent certified mail within five days of receiving a complaint will satisfy the statute. Photocopying and mailing the complaint can follow later. This process would allow for tracking of who received notice and when, and would significantly help both the Commission and the FEC Bar.

Sincerely,



Craig Engle
Scott Ward

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